

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

vs.

HENRY LEE KENNER, II

RECEIVED
USMS-PRIS OPS
BALTIMORE, MD

Case No. GJH-19-0517

2020 JUN 10 A 10:35

ORDER OF DETENTION (18 U.S.C. § 3142)

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I have concluded that the following facts require the detention of the defendant pending the trial of this case.

PART I: FINDINGS OF FACT

- ☒ (1) This is a case in which the [government may properly seek detention] or [the court may consider ordering detention sua sponte].
- ☒ (2) The defendant is charged under: 18:1201 Kidnapping
- ☒ (3) The maximum term of imprisonment, if convicted, is: Life
- ☒ (4) Based on the government's [proffer] ~~testimony~~ there is probable cause to believe that the defendant committed the offense(s) charged.
- ☐ The government is entitled to a presumption under § 3142 (c) [describe in Part II].
- ☐ The defendant has failed to rebut this presumption [as to flight risk] or [as to danger].
- ☒ (5) I find, by a preponderance of the evidence, from the information produced at the hearing that there is a serious risk that the defendant will not appear.
- ☒ (6) I find, by clear and convincing evidence, from the information produced at the hearing that the defendant poses a risk to the safety of other persons and the community.
- ☒ (7) I find by clear and convincing evidence that there is no condition or combination of conditions which will reasonably assure ~~the defendant's presence at trial or as otherwise required~~ [community safety].

PART II: WRITTEN STATEMENT OF ADDITIONAL REASONS FOR DETENTION

- ① Nature of offense - Kidnapping
② Circumstances of offense - Use of violence & Knife during offenses
③ Criminal history - conviction for same offense - Kidnapping for which he received a significant sentence; threat for similar conduct
④ History of domestic violence
⑤ Mental health history
⑥ Rec of PTS

The court has also considered temporary release pursuant to § 3142(i) and concludes that the def. has not established compelling reasons warranting def's release.

The defendant is committed to the custody of the Attorney General or his/her designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the U.S. Marshal shall deliver the defendant for the purpose of an appearance in connection with a court proceeding.

June 10, 2020

Date

Beth P. Gesner

United States Magistrate Judge